

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Sylvia Conner,

Plaintiff,

v.

Blue World Pools, Inc.,

Defendant.

C/A No. 3:11-1086-JFA

Angela Whetstone,

Plaintiff,

v.

Blue World Pools, Inc.,

Defendant.

C/A No. 5:11-1560-JFA

ORDER

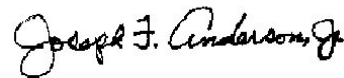
On October 10, 2012, the Court entered an Order dismissing without prejudice the cases of all but the above two plaintiffs, Sylvia Conner and Angela Whetstone, in a series of several related actions against defendant Blue World Pools, Inc. (Blue World). *See* ECF No. 34. This dismissal was based on the plaintiffs' failure to commence arbitration proceedings pursuant to their contracts with Blue World. The Court did not dismiss the Conner and Whetstone cases at that time because it was informed that their causes of action were owned by their respective bankruptcy estates and that their respective Trustees had not decided whether to pursue the causes of action. The Court also requested that the parties submit a status report on the progress of arbitration by January 15, 2013.

The Court is now informed that the respective Trustees of Conner's and Whetstone's bankruptcy estates have closed both cases without initiating arbitration against Blue World on behalf of their estates. The Court is also informed that, assuming each claim returned to its

original owner as of the dates the bankruptcy cases closed, Conner and Whetstone both have yet to initiate arbitration proceedings against Blue World. Therefore, it appears that these cases should also be dismissed.

Based on the foregoing, the above-captioned cases are hereby dismissed without prejudice. As noted in the Court's previous order, however, these actions may not be refilled unless and until an arbitration award is entered in favor of either plaintiff. Any action refilled at that time may only seek to confirm the arbitration award in favor of the plaintiff and have it converted to a judgment of this Court.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

January 31, 2013
Columbia, South Carolina

Joseph F. Anderson, Jr.
United States District Judge